

2007 Recommendation Status Report

North Carolina Study Commission on Aging
Recommendations
to the
2007 Regular Session



*Prepared by Staff for the
North Carolina Study Commission on Aging*

January 24, 2008

2007 RECOMMENDATION STATUS REPORT

RECOMMENDATION	RESULT
<p><u>Recommendation 1: Support for Senior Centers</u></p> <p>The Study Commission on Aging recommends that the General Assembly appropriate an additional \$500,000 for FY 07-08 and \$500,000 for FY 08-09 to the Senior Center General Purpose fund to provide additional support for Senior Centers.</p>	<p>In response to this recommendation, HB 195 and SB 53 were introduced and both were referred to House and Senate Appropriations Committees.</p> <ul style="list-style-type: none"> • The Health and Human Services Conference Report for S.L. 2007-323 (HB 1473), contains \$200,000 in non-recurring funding for FY 07-08 for the Senior Center General Purpose Fund.
<p><u>Recommendation 2: Expand Dental Care for Special Care Populations</u></p> <p>The Study Commission on Aging recommends that the General Assembly appropriate \$200,000 for FY 07-08 to the Department of Health and Human Services, Division of Public Health, to purchase an additional mobile dental unit for a new or existing non-profit mobile dental care provider to serve special care populations in geographic areas of the State that are not currently served by mobile dental units. The Department shall report to the Commission on the status of this project by September 1, 2008.</p> <p>The Study Commission on Aging recommends that the General Assembly require the Board of Governors of The University of North Carolina to study the feasibility of requiring one or more of the Board of Governors' Dental Scholarship-Loan Program slots be dedicated to individuals who will predominately serve special care populations, primarily disabled individuals and the elderly, and to report findings and recommendations to the Commission by January 15, 2008.</p>	<p>In response to this recommendation, HB 201 and SB 52 were introduced.</p> <ul style="list-style-type: none"> • A Committee Substitute for HB 201 received a favorable report in House Aging and was referred to Appropriations. SB 52 was referred to Senate Appropriations. The Health and Human Services Conference Report for S.L. 2007-323 (HB 1473), provides \$200,000 in non-recurring funding for FY 07-08 for a mobile dental provider to deliver services to the frail elderly and persons with disabilities in unserved areas. • S.L. 2007-323, Section 9.5, enacts G.S. 116-40.10 Board of Governors' Dental Scholarship Loan Program. The program provides a four-year scholarship loan of relevant tuition and fees, mandatory medical insurance, required laptop computers to any first-year students, required dental equipment, and an annual stipend of \$5,000 per year to any student who has been accepted for admission to the School of Dentistry at the University of North Carolina at Chapel Hill. The Board of Governors adopts the standards for awarding the scholarship loans. The recommendation by the Commission on Aging is not included in this provision.

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<p><u>Recommendation 3: Expand Health Care Personnel Registry/Funds</u></p> <p>The Study Commission on Aging recommends that the General Assembly expand the Health Care Personnel Registry to include any unlicensed staff of a health care facility that has direct access to residents, clients, or their property, and appropriate an additional \$1,700,000 for FY 07-08 and \$1,700,000 for FY 08-09 to add staff and improve upon existing allegation response times.</p>	<p>In response to this recommendation, HB 95 and SB 109 were introduced.</p> <ul style="list-style-type: none"> • The statutory changes included in these bills is contained in Section 2 of S.L. 2007-544 (SB 56). • The Health and Human Services Conference Report for S.L. 2007-323 (HB 1473) contains \$583,000 in recurring funding and \$40,274 in non-recurring funding for FY 07-08. For FY 08-09, \$803,000 in recurring funding and \$2,750 in non-recurring funding is provided.
<p><u>Recommendation 4: Support Project C.A.R.E.</u></p> <p>The Study Commission on Aging recommends that the General Assembly appropriate \$500,000 to the Department of Health and Human Services, Division of Aging and Adult Services, for FY 07-08, and \$500,000 for FY 08-09, to fund Project C.A.R.E. which provides support to individuals with dementia and their caregivers.</p>	<p>In response to this recommendation, SB 165 and HB 96 were introduced and referred to Appropriation Committees.</p>
<p><u>Recommendation 5: Additional HCCBG Funds</u></p> <p>The Study Commission on Aging recommends that the General Assembly appropriate an additional \$5,000,000 to the Department of Health and Human Services for FY 07-08 and \$5,000,000 for FY 08-09 for the Home and Community Care Block Grant (HCCBG).</p>	<p>In response to this recommendation HB 98 and SB 59 were introduced and referred to Appropriations Committees.</p> <ul style="list-style-type: none"> • The Health and Human Services Conference Report for S.L. 2007-323 (HB 1473) contains \$536,000 in recurring funding for FY 07-08 and FY 08-09.
<p><u>Recommendation 6: Amend the Penalty Review Committee Statutes</u></p> <p>The Study Commission on Aging recommends that the General Assembly enact legislation to change the Penalty Review Committee process.</p>	<p>In response to this recommendation HB 94 and SB 56 were introduced.</p> <ul style="list-style-type: none"> • S.L. 2007-544 (SB 56) was enacted and Section 1 contains the changes to the penalty review committee process.
<p><u>Recommendation 7: Study Safe Transportation of Passengers in Wheelchairs</u></p> <p>The Study Commission on Aging recommends that the General Assembly direct the Department of Transportation to study appropriate methods of transporting passengers seated in wheelchairs, to develop guidelines for the installation and use of wheelchair tiedown systems, and to report findings and recommendations to the Study Commission on Aging and the Joint Legislative Transportation Oversight Committee by February 1, 2008.</p>	<p>In response to this recommendation, HB 93 and SB 57 were introduced.</p> <ul style="list-style-type: none"> • HB 93 received a favorable report in House Aging, passed 2nd and 3rd reading in the House and crossed over to the Senate where it was referred to the Senate Committee on Transportation. • SB 57 was referred to the Senate Committee on Transportation.

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<p><u>Recommendation 8: Adult Protective Services Pilot Program</u></p> <p>The Study Commission on Aging recommends that the General Assembly appropriate \$1,492,000 to the Department of Health and Human Services, Division of Aging and Adult Services, for FY 07-08 and \$1,930,000 for FY 08-09 to enact a pilot program to assess proposed changes to the adult protective services statutes and to report on the evaluation of the pilot by March 1, 2009.</p>	<p>In response to this recommendation, HB 198 and SB 108 were introduced and referred to Appropriations Committees.</p>
<p><u>Recommendation 9: Study Medically Needy Income Standard</u></p> <p>The Study Commission on Aging recommends that the General Assembly enact legislation to require the Department of Health and Human Services, Division of Medical Assistance, to study the medically needy income standard and determine the best method of increasing the standard while providing improved consistency across long-term care settings and report to the Study Commission on Aging by September 1, 2008.</p>	<p>In response to this recommendation, HB 92 and SB 110 were introduced and referred to Appropriations Committees.</p> <ul style="list-style-type: none"> • HB 92 received a favorable report in House Aging Committee, passed 2nd and 3rd reading in the House, and was referred to the Appropriations Committee in the Senate. • SB 110 received a favorable report in Senate Health and was referred to the Appropriations Committee.
<p><u>Recommendation 10: Support for NC Rx</u></p> <p>The Study Commission on Aging supports the NC Rx program, funded through the Health and Wellness Trust Fund, which assists seniors having difficulty paying for prescription drugs, and expresses gratitude for the SHIP program and the many volunteer organizations that provide information to citizens enrolling in Medicare prescription drug programs.</p>	<p>No bills were introduced in response to this recommendation.</p> <ul style="list-style-type: none"> • The Health and Human Services Conference Report for S.L. 2007-323 (HB 1473) contains \$250,000 in non-recurring funding for FY 07-08 to provide grants-in-aid to community organizations to assist seniors in enrolling in NC Rx and Medicare Part D.

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<p><u>Recommendation 11: Funds for Mentally Ill Housing Options</u></p> <p>In response to the Commission on Aging and Mental Health Oversight Subcommittee report, the Study Commission on Aging recommends that the General Assembly appropriate to the Department of Health and Human Services and the Housing Finance Agency, \$1,506,600 for FY 07-08, to provide rental assistance for at least 250 units, and \$3,013,200 for FY 08-09, to continue rental assistance for the units in FY 07-08 and to provide rental assistance for at least an additional 250 units, which shall increase the availability of housing options for North Carolinians with disabilities, particularly for those individuals that are transitioning out of State psychiatric hospitals and those that are transitioning out of long-term care facilities.</p>	<p>In response to this recommendation, HB 199 and SB 51 were introduced.</p> <ul style="list-style-type: none"> • HB 199 was referred to the House Committee on Mental Health Reform, and if favorable, to the Committee on Appropriations. SB 51 was referred to the Committee on Appropriations. The Health and Human Services Conference Report for S.L. 2007-323 (HB 1473) contains \$7,500,000 in non-recurring funding to the North Carolina Housing Trust Fund for the financing of additional independent and supporting living apartments for people with disabilities. The apartments shall be affordable to those with incomes at the Supplemental Security Income (SSI) level.
<p><u>Recommendation 12: Study Housing Concerns and Staff Training Required for Mixed Populations</u></p> <p>In response to the Commission on Aging and Mental Health Oversight Subcommittee report, the Study Commission on Aging recommends that the General Assembly direct the Department of Health and Human Services, Division of Facility Services, Division of Aging and Adult Services, and the Division of Mental Health, to analyze the rules and regulations in North Carolina and in other states regarding the provision of appropriate care and the housing of residents with mental illness in the same facility vicinity as those without mental illness. The Department shall also analyze and recommend appropriate staff training requirements to enable direct care workers in long-term care facilities to simultaneously provide appropriate care to mentally ill residents and those that are not mentally ill. The Department shall present findings, recommendations, and any required statutory or rule changes to the Study Commission on Aging and the Joint Legislative Mental Health Oversight Committee by March 1, 2008.</p>	<p>In response to this recommendation, HB 196 and SB 164 were introduced.</p> <ul style="list-style-type: none"> • S.L. 2007-156 (SB 164) enacted.

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<p><u>Recommendation 13: Increase SA In-Home Slots</u></p> <p>In response to the Commission on Aging and Mental Health Oversight Subcommittee report, the Study Commission on Aging recommends that the General Assembly direct the Department of Health and Human Services to increase the total number of State/County Special Assistance In-Home Program slots to 2000 in FY 07-08.</p>	<p>In response to this recommendation, HB 197 and SB 58 were introduced.</p> <ul style="list-style-type: none"> • S.L. 2007-323, Sec. 10.14 (HB 1473, Sec. 10.14) amends Part 3 of Article 2 of Chapter 108A of the General Statutes to add a new section pertaining to Special Assistance in-home payments. The section provides that the Department of Health and Human Services may use funds from the existing State-County Special Assistance for Adults budget to provide Special Assistance payments to eligible individuals in in-home living arrangements. The payments may be made for up to 15% of the caseload for all State-County Special Assistance for Adults. The standard monthly payment to individuals enrolled in the in-home program must be 75% of the monthly payment the individual would receive if the individual resided in an adult care home and qualified for Special Assistance, unless a lesser payment amount is appropriate for the individual as determined by the local case manager. The Department is required to implement Special Assistance in-home eligibility policies and procedures to assure that in-home program participants are those individuals who need and, but for the in-home program would seek, placement in an adult care home facility. The policies and procedures must also include the use of a functional assessment. The Department must make this in-home option available to all counties on a voluntary basis and, to the maximum extent possible, must consider geographic balance in the dispersion of the payments to individuals across the State. The provision requires that for State fiscal year 2007-08, qualified individuals must not receive payments at rates less than they would have been eligible to receive in State fiscal year 2006-07.

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<p><u>Recommendation 14:</u> Support for the Transitional Residential Treatment Program and for LME Notification of Mental Health Determination Using the Uniform Screening Tool</p> <p>In response to the Commission on Aging and Mental Health Oversight Subcommittee report, the Study Commission on Aging expresses support for development, by the Department of Health and Human Services, of a "Transitional Residential Treatment Program" to provide 24-hour residential treatment and rehabilitation for mentally ill adults who have a pattern of difficult behaviors that exceed the capabilities of traditional community residential settings, and support the continued development of a Uniform Screening Tool, including the requirement that the appropriate Local Management Entities (LMEs) be notified of the status of the individual's mental health and the admission of that individual to a facility.</p>	<p>No bills were introduced in response to this recommendation.</p>
<p><u>Recommendation 15:</u> Authorize Star-Rated Certificate Rules</p> <p>The Study Commission on Aging recommends that the General Assembly enact legislation to give the Medical Care Commission the authority to adopt rules allowing the issuance of star-rated certificates to adult care homes and to appropriate to the Department of Health and Human Services, Division of Facility Services, \$153,000 for FY 07-08, to be used for salaries for two positions and for database enhancement, and \$108,000 for FY 08-09, for salaries and database maintenance, for implementation of the Star Rating system.</p>	<p>In response to this recommendation, HB 248 and SB 752 were introduced.</p> <ul style="list-style-type: none"> • S.L. 2007-544 (SB56) was enacted and Section 3 contains the provisions related to this recommendation. The act requires that the certificates issued to adult care homes contain a rating based, at a minimum, on inspections and substantiated complaint investigations conducted by the Department of Health and Human Services to determine compliance with licensing statutes and rules. Specific areas to be reviewed are listed in the act. • The Health and Human Services Conference Report for S.L. 2007-323 (HB 1473) contains \$500,000 non-recurring funding in FY 08-09 to assist adult care homes with the implementation of the adult care home rated certificate program.

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<p><u>Recommendation 16: Funds for WIN A STEP UP</u></p> <p>The Study Commission on Aging recommends that the General Assembly appropriate to the Department of Health and Human Services, Division of Facility Services, \$200,000 for FY 07-08 and \$200,000 for FY 08-09 to develop and pilot a WIN A STEP UP (Workforce Improvement for Nursing Assistants: Supporting Training, Education, and Payment for Upgrading Performance) Program for nurse aides employed by home care agencies; to appropriate \$200,000 for FY 07-08 and \$325,000 for FY 08-09, in addition to fine and penalties collections provided by the Division, to continue the program in nursing homes; and to direct the WIN A STEP UP Program to study the feasibility of becoming a self-sustaining program and to report to the House and Senate Appropriations Subcommittees on Health and Human Services by May 1, 2008. The WIN A STEP UP program shall continue to enhance and enrich curriculum components with information and exercises involving appropriate care for individuals with dementia, anxiety, depression, and other severe mental health problems.</p>	<p>In response to this recommendation, HB 97 and SB 99 were introduced and referred to the Appropriations Committees.</p>
<p><u>Recommendation 17: Support Recommendations from the House Study Committee on State Guardianship Laws</u></p> <p>The Study Commission on Aging supports the recommendations of the House Study Committee on State Guardianship Laws.</p>	<p>This recommendation expresses support for recommendations from the House Study Committee on State Guardianship Laws.</p>